

## **FAMILY MEDICAL LEAVE POLICY – EXCERPT FROM PERSONNEL MANUAL**

- a. Employees who have worked for the City for at least 12 months (consecutively or non-consecutively), and who have been in pay status for at least 1250 hours during the previous 12 months, are entitled to up to 12 cumulative weeks of Family and Medical Leave per year for the birth, adoption, or foster care of a child; to care for a spouse, child (defined below) or parent with a serious health condition; or for his or her own serious health condition. Family and Medical Leave cannot be used for care of a parent-in-law. A serious health condition is defined as an illness or other medical condition that results in inpatient care or continuing care by a physician. Family and Medical Leave will not exceed 12 weeks during the 12-month period immediately following commencement of the leave. (R-10/93) (R-1/96)

"Child" is defined as: a biological, adopted, foster (state approved), stepchild, legal ward, or child of a person standing in the place of a parent. The child must be under 18 years old or disabled.

- b. An employee who wants to use Family and Medical Leave for his or her own medical condition will be required to use all accrued paid leave, including Personal Holiday and Well Day, before taking unpaid leave. (R-8/97)

An employee who wants to use Family and Medical Leave for a medical condition of a qualifying family member will be required to use all accrued paid leave, including Personnel Holiday and Well Day, before taking unpaid leave, except that he/she has the option of retaining a maximum of 80 hours of accrued Sick Leave.

An employee who wants to use Family and Medical Leave for birth, adoption or foster care must use all accrued paid Vacation Leave, Personal Holiday and Well Day before using unpaid leave. In the case of a birth, the mother must use all of her accrued paid Vacation Leave, and may also use any or all of her accrued paid Sick Leave. before going into unpaid status. The father may use accrued paid Immediate Family Sick Leave. Also, for adoption or foster care placement, Immediate Family Sick Leave may be used by either parent. (If some Immediate Family Sick Leave has already been used, only the balance of the hours allowed will be available.) Entitlement to unpaid leave for these purposes expires 12 months after the birth or placement of the child. Use of Immediate Family Sick Leave will not count toward the 12-week maximum for Family and Medical Leave. (R-10/93) (R-8/97)

Paid leave may be retroactively designated as Family and Medical Leave, by either the employee or the City, if subsequent unpaid leave is for the same reason. Family & Medical Leave may be designated after the leave has ended only under circumstances allowed by federal regulations. (R-1/96)

- c. To apply for Family and Medical Leave, an employee must complete the Family and Medical Leave application that is available in the Personnel Office. The completed form must be submitted to the HRIS Manager in Personnel at least 30 days prior to the commencement of the leave. If it is impossible to give a full 30 days notice, as much advance notice as possible is still required. (R-1/96)

A Personnel Change form must be submitted to the Personnel Office at the beginning of the leave and when the employee returns. (R-1/96)

When undergoing planned medical treatment, it is the employee's responsibility to coordinate the scheduling of such treatment with the immediate supervisor and the health care provider to minimize disruption of the work group.

- d. It is the employee's responsibility to provide a physician's certification of need within 15 calendar days of application for Family and Medical Leave because of his/her own serious health condition or that of a qualifying family member. The certification form (available in the Personnel Office) must include: (1) the date the health condition commenced; (2) the approximate duration of the condition; (3) appropriate medical facts regarding the condition or treatment; and (4) a statement that the employee is unable to perform his/her job because of the condition, or that the employee is needed to care for the qualifying family member.
- e. Family and Medical Leave may be taken consecutively, intermittently, or on a reduced schedule. (An exception is leave taken for birth, adoption or foster care, which must be taken consecutively.)

While an employee is using intermittent or reduced schedule leave, the department director may require further statements from physicians as needed.

The City may obtain other medical opinions for determining eligibility under the provisions of this section. All medical information related to Family & Medical Leave will be considered confidential and only be available to those with a legitimate need to know.

If an exempt employee is granted partial days of unpaid leave, time away may be charged to Family and Medical Leave without loss of exempt status.

- f. When an employee returns from Family and Medical Leave, the City will attempt to return the employee to the position held prior to the leave. If this is not possible, the employee will be placed in a position of equivalent pay and benefits. If an employee is using unpaid leave intermittently or on a reduced schedule, the City may reassign the employee to a different position at the same pay level if necessary to accommodate the leave with minimum disruption of normal work schedules.

If there are layoffs or other reductions in force while employees are on Family and Medical Leave, and they would have been included in those reductions had they remained, they lose their right to reinstatement, but do not lose their lay-off recall rights.

- g. If both husband and wife are City employees, up to 12 weeks of unpaid leave may be shared by the two (combined) for the birth, adoption or foster care of a child, or to care for parents (not parents in-law) with serious medical conditions. The limitation does not apply, however, to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition, or for his or her own serious illness.
- h. Salaried employees in the top paid 10% of the City's workforce may be denied reinstatement in their positions if it is shown that it would cause grievous economic harm to the City.
- i. Employees on unpaid Family and Medical Leave will not accrue additional Vacation or Sick Leave while they are on leave. If an employee is on unpaid leave for two or more consecutive workweeks, both advancement and seniority dates will be adjusted. (R-1/96)

An employee will continue membership in the retirement plan to which he/she belonged when the leave began, but contributions will cease during the period of the unpaid leave, and the employee will not accrue additional service credit for the period of the unpaid leave. (R-1/96)

Leave accrual rates will be the same as before the leave, unless there was a change in policy regarding leave accrual rates.

- j. The employee will be responsible for paying both the employee and City shares of life insurance premiums while on unpaid leave.

The same health insurance provisions, including the City's share of premiums, will continue for employees while on Family and Medical Leave that they had prior to the leave. The employee must still pay his/her share of the health insurance premium for the insurance to remain in effect.

Any employee benefit program involving payroll deductions may be continued by the employee while on Family and Medical Leave, but arrangements for making the payments must be made with the Personnel Division either before the leave begins, or during the first week of the leave. Any such program will cease if one payment is not made. Flexible Spending Account and Premium Only Cafeteria Plan arrangements will be subject to current IRS regulations.

If an employee chooses not to return to work from unpaid leave for reasons other than a continued serious health condition, the employee will be liable for health insurance premiums paid by the City during the time of the Family and Medical Leave.

- k. Any abuse of Family and Medical Leave provisions is grounds for discipline, up to and including dismissal. (New-12/94)